IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 17TH OCTOBER 2007 / 25TH ASWINA 1929

CRP.No. 457 of 2007()

AGAINST THE ORDER DATED 28/03/2007 IN IA.241/2007 IN OS.185/1994 of M.C.,PARAPPANANGADI
.....

REVN. PETITIONER: PETITIONER

KARIKKUTTY @ KRISHNANKUTTY,
AGED 39, S/O KARI, THIRURANGADI TALUK,
VALAKULAM AMSOM AND DESOM.

BY ADV. SRI.E.NARAYANAN

RESPONDENT: RESPONDENT

SANTHA, AGED 47,
D/O KARI, RESIDING AT MELEPARAMBIL,
VENGARA AMSOM AND DESOM OF TIRUR TALUK.

BY ADV. SRI.K.P.SUDHEER

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 17/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

tss

M.N.KRISHNAN, J

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C.R.P. No.457 OF 2007

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Dated this the 17th day of October 2007

ORDER

This revision petition is preferred against the order of the Munsiff's Court, Parappanangadi in I.A.No.241/2007 in O.S.No.185/1994. The said application is one for remitting the Commissioner's plan and report. The court below has observed that a Commissioner had been appointed and he submitted his first report on 10.6.2005 and the present petitioner filed a petition for remitting the Commissioner's report as I.A.No.887/2005. Now the petitioner has taken another contention which has not been raised earlier that he will not get a way to his proposed share.

2. On hearing both sides, I find that the dispute is not with respect to a pathway to the property, but it is to some other property. For that, a direction cannot be given in a final decree proceedings. I make it very clear that if the petitioner wants in change of allotment of share proposed by the Commissioner, it is for him to adduce evidence in the final decree and the court to consider the same and allow or disallow the same. Reserving the right to adduce evidence to all parties concerned, the revision petition is

dismissed.

M.N.KRISHNAN, JUDGE

Cdp/-